

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MALCOM D. SMITHSON and CHRISTINE B.
SIMITHSON TRUSTS, *et al.*,

Plaintiffs,

v.

Civ. No. 06-00624 MCA/RLP

AMERADA HESS CORPORATION n/k/a
HESS CORPORATION,

Defendant.

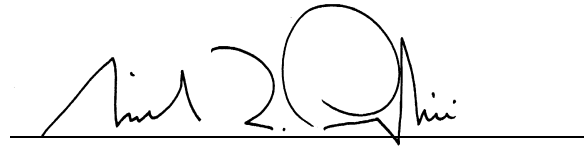
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel No. 2. Plaintiffs argue that Defendant submitted an inadequate privilege log in support of its contention that documents requested by Plaintiffs to be produced were covered by attorney client privilege and work product immunity. The Motion to Compel will be denied because it is untimely.

As stated in this Court's Memorandum Opinion and Order in this case [Doc. 130]: "Pursuant to D.N.M.LR Civ. 26.6, a party has 20 days in which to file a motion to compel after the responses are served or objections are waived." Plaintiffs state that they submitted their requests for production on November 12, 2007. Documents were produced on January 9, 2008 and the privilege log was produced on January 18, 2008. The Motion to Compel was not filed until February 20, 2008 - well past the 20-day deadline.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Compel No. 2 [Doc. 106]
is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Richard L. Puglisi', is written over a horizontal line.

Richard L. Puglisi
United States Magistrate Judge